

IFW



Application No.: 10/590,518

Docket No.: 4035-0183PUS1

Docket No.: 4035-0183PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Yozo SHOJI et al.

Application No.: 10/590,518

Confirmation No.: N/A

Filed: August 24, 2006

Art Unit: N/A

For: METHOD FOR CHANGING FREQUENCY  
AND BASE STATION IN RADIO OPTICAL  
FUSION COMMUNICATION SYSTEM

Examiner: Not Yet Assigned

**LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

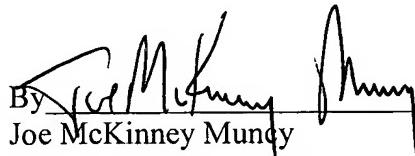
In connection with the above-identified application, enclosed herewith is a copy of the International Preliminary Report on Patentability and its English translation form WIPO.

The PTO is requested to make these documents of record in the file of the present application and to return the initialed Form PTO-SB08 to the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: January 31, 2007

Respectfully submitted,

By   
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Registration No.: 32,334  
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Falls Church, Virginia 22040-0747  
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Attorney for Applicant

Attachments: IPER and its English translation form WIPO

From the INTERNATIONAL BUREAU

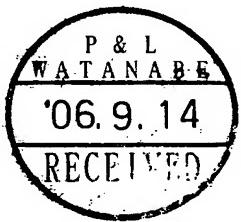
**PCT**

NOTIFICATION CONCERNING  
TRANSMITTAL OF COPY OF INTERNATIONAL  
PRELIMINARY REPORT ON PATENTABILITY  
(CHAPTER I OF THE PATENT COOPERATION  
TREATY)  
(PCT Rule 44bis.1(c))

Date of mailing (day/month/year)  
08 September 2006 (08.09.2006)

To:

WATANABE, Satoshi  
c/o Watanabe Patent & Law Office,  
Parkside-Yotsuya 2nd floor, 18-20,  
San-eicho, Shinjuku-ku, Tokyo  
1600008  
JAPON



Applicant's or agent's file reference  
WPCT-05002

**IMPORTANT NOTICE**

International application No.  
PCT/JP2005/003238

International filing date (day/month/year)  
21 February 2005 (21.02.2005)

Priority date (day/month/year)  
26 February 2004 (26.02.2004)

Applicant  
NATIONAL INSTITUTE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, INDEPENDENT ADMINISTRATIVE AGENCY et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Yoshiko Kuwahara

Facsimile No. +41 22 338 82 70

e-mail: pt07@wipo.int

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference WPCT-05002	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/JP2005/003238	International filing date ( <i>day/month/year</i> ) 21 February 2005 (21.02.2005)	Priority date ( <i>day/month/year</i> ) 26 February 2004 (26.02.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
<b>Applicant</b> <b>NATIONAL INSTITUTE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, INDEPENDENT ADMINISTRATIVE AGENCY</b>			

- |   |                                     |   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
|---|-------------------------------------|---|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|--------------------------|-------------|--|--------------------------|--------------|---|
| <p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>   |                                     |   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p> | <input checked="" type="checkbox"/> | Box No. I   | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input type="checkbox"/> | Box No. VII | Certain defects in the international application | <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/>   | Box No. I                           | Basis of the report   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. II                          | Priority  |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. III                         | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. IV                          | Lack of unity of invention  |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input checked="" type="checkbox"/>   | Box No. V                           | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. VI                          | Certain documents cited   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. VII                         | Certain defects in the international application  |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. VIII                        | Certain observations on the international application   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |

Date of issuance of this report 30 August 2006 (30.08.2006)	
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	Authorized officer  <b>Yoshiko Kuwahara</b> e-mail: pt07@wipo.int

# 特許協力条約

発信人 日本国特許庁（国際調査機関）

代理人

渡邊 敏

あて名

〒160-0008

日本国東京都新宿区三栄町18-20 パークサイド四谷2階 渡辺特許法律事務所内

様

REC'D 09 JUN 2005

WIPO

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PCT

国際調査機関の見解書

(法施行規則第40条の2)

[PCT規則43の2.1]

07. 6. 2005

発送日  
(日、月、年)

出願人又は代理人

の書類記号 WPCT-05002

今後の手続きについては、下記2を参照すること。

国際出願番号

PCT/JP2005/003238

国際出願日

(日、月、年) 21. 02. 2005

優先日

(日、月、年) 26. 02. 2004

国際特許分類 (IPC) Int.Cl. H04B10/04, 10/06, 10/142, 10/152, H04Q7/36

出願人（氏名又は名称）

独立行政法人情報通信研究機構

## 1. この見解書は次の内容を含む。

- 第I欄 見解の基礎
- 第II欄 優先権
- 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成
- 第IV欄 発明の單一性の欠如
- 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- 第VI欄 ある種の引用文献
- 第VII欄 国際出願の不備
- 第VIII欄 国際出願に対する意見

## 2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から2ヶ月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

## 3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日

24. 05. 2005

名称及びあて先

日本国特許庁 (ISA/JP)

郵便番号100-8915

東京都千代田区霞が関三丁目4番3号

特許庁審査官（権限のある職員）

工藤 一光

5J 9274

電話番号 03-3581-1101 内線 3536

## 第I欄 見解の基礎

1. この見解書は、下記に示す場合を除くほか、国際出願の言語を基礎として作成された。

この見解書は、\_\_\_\_\_語による翻訳文を基礎として作成した。  
それは国際調査のために提出されたPCT規則12.3及び23.1(b)にいう翻訳文の言語である。

2. この国際出願で開示されかつ請求の範囲に係る発明に不可欠なヌクレオチド又はアミノ酸配列に関して、  
以下に基づき見解書を作成した。

a. タイプ  配列表

配列表に関するテーブル

b. フォーマット  書面

コンピュータ読み取り可能な形式

c. 提出時期  出願時の国際出願に含まれる

この国際出願と共にコンピュータ読み取り可能な形式により提出された

出願後に、調査のために、この国際調査機関に提出された

3.  さらに、配列表又は配列表に関するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出し  
た配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出が  
あった。

4. 補足意見：

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性 (N)

請求の範囲

1-14

有

請求の範囲

無

進歩性 (I S)

請求の範囲

1-14

有

請求の範囲

無

産業上の利用可能性 (I A)

請求の範囲

1-14

有

請求の範囲

無

2. 文献及び説明

請求の範囲 1-14 に係る発明は、国際調査報告で引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

WATANABE, Satoshi  
c/o Watanabe Patent & Law Office,  
Parkside-Yotsuya 2nd floor, 18-20,  
San-eicho, Shinjuku-ku, Tokyo  
1600008  
JAPON



Date of mailing (day/month/year) 28 September 2006 (28.09.2006)	
Applicant's or agent's file reference WPCT-05002	<b>IMPORTANT NOTIFICATION</b>
International application No. PCT/JP2005/003238	International filing date (day/month/year) 21 February 2005 (21.02.2005)
Applicant NATIONAL INSTITUTE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, INDEPENDENT ADMINISTRATIVE AGENCY et al	

## 1. Transmittal of the translation to the applicant.

- The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).
- The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

**It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.**

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Yoshiko Kuwahara

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**PATENT COOPERATION TREATY**  
**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference WPCT-05002	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/JP2005/003238	International filing date ( <i>day/month/year</i> ) 21 February 2005 (21.02.2005)	Priority date ( <i>day/month/year</i> ) 26 February 2004 (26.02.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
<p>Applicant  <b>NATIONAL INSTITUTE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, INDEPENDENT ADMINISTRATIVE AGENCY</b></p>			

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	Date of issuance of this report 19 September 2006 (19.09.2006)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	Authorized officer  <b>Yoshiko Kuwahara</b>  e-mail: pt07@wipo.int

**PATENT COOPERATION TREATY**

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

**TRANSLATION**  
**PCT**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)																								
Applicant's or agent's file reference <b>WPCT-05002</b>		FOR FURTHER ACTION See paragraph 2 below																								
International application No. <b>PCT/JP2005/003238</b>	International filing date (day/month/year) <b>21.02.2005</b>	Priority date (day/month/year) <b>26.02.2004</b>																								
International Patent Classification (IPC) or both national classification and IPC																										
<p>Applicant  <b>NATIONAL INSTITUTE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, INDEPENDENT ADMINISTRATIVE AGENCY</b></p>																										
<p>1. This opinion contains indications relating to the following items:</p> <table style="margin-left: 20px; border: none;"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the opinion</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>2. <b>FURTHER ACTION</b>  If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.  If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p>			<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Name and mailing address of the ISA/JP	Authorized officer																									
Facsimile No.	Telephone No.																									

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/003238

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material  
 in written format  
 in computer readable form
  - c. time of filing/furnishing  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/003238

Box No. V      Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 14	YES
	Claims	_____	NO
Inventive step (IS)	Claims	1 - 14	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	1 - 14	YES
	Claims	_____	NO

2. Citations and explanations:

The subject matters of claims 1-14 are neither described in any of the documents cited in the ISR nor obvious to a person skilled in the art.